

## **REMARKS**

### **Status of the Claims**

Claims 7, 8, 10, 11 and 13-16 are now present in this application. Claims 7, 10, 15 and 16 are independent.

Claims 7, 8, 10, 11, 13, 15 and 16 have been amended. Reconsideration of this application, as amended, is respectfully requested.

### **Statement of Substance of Interview**

Applicant would like to thank Examiner Tran for the courtesy given to Applicant's Representative during the personal interview conducted on March 4, 2010. During the Interview, Applicant's Representative discussed the applied prior art (Lee), the present invention, and proposed amendments of claims 7, 10, 15 and 16.<sup>1</sup> The Examiner agreed that Lee does not disclose an Optical Line Termination (OLT) specifying a subscribed user of the new optical network unit and service details in association with the subscribed user, and performing at least one of bandwidth setting and connection setting based on the specified service details in association with the subscribed user as in amended claim 7 and similarly in amended claims 10, 15 and 16 presented.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 7-8, 10-11 and 13-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al., U.S. Patent No. 6,636,527 (hereinafter "Lee"). This rejection is respectfully traversed.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, Lee does not disclose or suggest "a setting unit that, based on the acquired PLOAM password, specifies a subscribed user of the new optical network unit

---

<sup>1</sup> The copy of the Interview Summary given to Applicants' Representative incorrectly shows claims 7, 10 and 15. During a telephone call on March 4, 2010, the Examiner agreed that the amendments discussed are in claims 7, 10, 15 and 16 and will indicate the same in his copy of Interview Summary.

and service details in association with the subscribed user, and performs at least one of bandwidth setting and connection setting based on the specified service details in association with the subscribed user” in claim 7 and similarly in claims 10, 15 and 16.

As discussed above, the Examiner agrees that Lee does not disclose the above-noted features in claims 7, 10, 15 and 16 during the interview conducted on March 4, 2010. Therefore, it is respectfully submitted that Lee fails to establish *prima facie* obviousness. As claims 8, 11, 13 and 14 depend from claims 7 and 10 respectively, it is respectfully submitted that these claim are also patentable for at least their dependency. Thus, it is respectfully requested that the rejection of claims 7, 8, 10, 11, and 13-16 under 35 U.S.C. § 103 be withdrawn.

### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

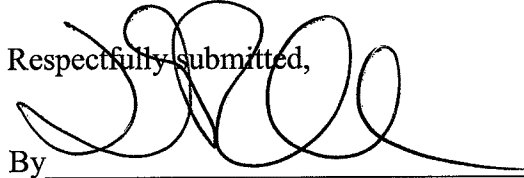
In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Dennis P. Chen, Registration No. 61,767 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: March 22, 2010

Respectfully submitted,



By

D. Richard Anderson

Registration No.: 40439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000